

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JAMES E. SLATE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:04CV782
	)	1:05CV221
JOHN E. POTTER,	)	
Postmaster General,	)	
	)	
Defendant.	)	

ORDER

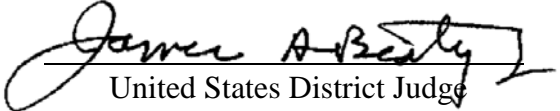
On July 25, 2006, the Recommendation of the United States Magistrate Judge in Case Number 1:04CV782 was filed with the Court and was served on the parties in accordance with 28 U.S.C. § 636(b). Plaintiff filed timely objections to the Recommendation. However, in his Objections, Plaintiff objects only that the Recommendation does not address Plaintiff's pending claim in his related case, Case Number 1:05CV221. The Court has conducted a *de novo* review which is in accord with the Magistrate Judge's Recommendation, and the Court concludes that Plaintiff's purported objection does not change the substance of the Magistrate Judge's Recommendation. The Recommendation is therefore affirmed and adopted.

To the extent Plaintiff may have some confusion regarding the disposition of his claims, the Court notes that the following two claims remain: (1) Plaintiff's claim in 1:04CV782 for disability discrimination and retaliation in connection with his August 4, 2000 removal; and (2) Plaintiff's claim in 1:05CV221 for discrimination and retaliation in connection with Defendant's failure to return him to the agency rolls while his administrative appeals were pending. These

claims have been consolidated, and discovery as to both claims will proceed pursuant to the standard discovery track under Local Rule 26.1, as outlined in the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that Defendant's Motions to Dismiss [Document #39 in 1:04CV782] is GRANTED as to all claims in Case Number 1:04CV782 except Plaintiff's claim for disability discrimination and retaliation in connection with his August 4, 2000 removal. IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment [Document #38 in 1:04CV782] is DENIED. FINALLY, IT IS ORDERED that discovery shall proceed pursuant to the standard discovery track with respect to the claims remaining in 1:04CV782 and 1:05CV221, as outlined above.

This, the 26<sup>th</sup> day of September, 2006.

  
United States District Judge